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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,854	03/14/2000	Sadik Bayrakeri	SEDN/247	8158

				EXAMINER
56015	7590	02/07/2006		BUI, KIEU OANH T

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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07/20/2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-13 and 15-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 7-13, 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Remark

1.   Applicant's arguments with respect to claims 1-4, 7-13, and 15-20 have been considered

but are moot in view of the new ground(s) of rejection.   Claims 5-6 and 14 were canceled, and

pending claims 1-4, 7-13, and 15-20 are for examination.

Claim Rejections - 35 USC 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.*

3.   Claims 1-4, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ellis (US Patent 5,986,650) in view of Logston et al. (US Patent No. 5,481,542).

Regarding claim 1, Ellis discloses "a method for managing delivery of video sequences

of an interactive program guide (IPG) over a communications network to a plurality of

terminals" (Figs. 1, 14 and 15), the method comprising:

"pre-allocating a broadcast bandwidth in the communications network for common video

sequences to be transmitted by a broadcast technique, <u>said common video sequences comprising</u>

<u>IPG pages for a current time period and IPG pages for a prime viewing time period</u>; transmitting

in the broadcast bandwidth the common video sequences to the plurality of terminals by way of

the broadcast technique", i.e., this broadcast technique refers to a standard or common broadcast

is provided to a terminal in the communications network whenever there is no specific technique

is requested by any specific terminal by using appropriate bandwidth pre-allocation technique

(Fig. 1 and col. 4/lines 45-67 for standard broadcast), and Ellis further discloses the step of IPG

pages with a current time and a prime viewing time (Figs. 13A-13C for showing video stream on

the display and the current time as well as the prime time, col. 4/lines 45-67 as data streams

regarding as video sequences is receiving at the set top terminal of Fig. 1, and as in Fig. 14 and

col. 16/line 33 to col. 17/line 32 for video channels at the current time and the prime time can be

displayed and searched at the user terminals);

"receiving a request for a specific video sequence from a specific terminal via the

communications network; allocating a demandcast bandwidth in the communications network

for the specific video sequence; and transmitting in the demandcast bandwidth the specific video

sequence to the specific terminal via the communications network", i.e., this specific technique

refers to as per a request for a specific video sequence from a specific terminal, for instance, a

pay-per-view show or a particular movie and so on, a demandcast bandwidth is provided to that

specific terminal based on the request using a dynamic allocation technique, with an individual

interactive information stream is allocated for that specific terminal is provided (col. 7/lines 35-

62 for pay-per-view is addressed as for on-demand requests from the users).

Ellis shows to broadcast a number of broadcasts to the users as noted above; however, Ellis does not show clearly the step of "pre-allocating a broadcast bandwidth in the communication network" before transmitting by a broadcast technique to the user; however, this technique is taught by Logston as Logston clearly shows the system are allocating bandwidth in advance before providing the services to set top box users (refer to Logston, Fig. 2 for an overview system, Fig. 3 for bandwidth allocations, and Figs. 4 & 11 for showing the pre-allocation of bandwidth to each set top box users, see further on col. 9/line 20 to col. 10/line 3 and col. 12/lines 23-45). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis' system with Logston's teaching technique of pre-allocating bandwidth in the communication system before broadcasting the services to the users depending on their demands and requests for services.

As for claims 2 and 3, in view of claim 1, Ellis further discloses "wherein the common video sequences are delivered using an in-band portion of the communications network" and "wherein the specific video sequence is delivered using the in-band portion of the communications network", i.e., broadcast video stream including the common video sequences and the specific video sequences, or in other words, video data streams, are delivered using a broadband network of separate networks comprising in-band and our-of-band (col. 3/lines 45-54 for a broadband network for broadcast video streams as further noted on lines 55-67 of the same column).

As for claim 4, in view of claim 3, Ellis further discloses "wherein the requests are received using an out-of-band portion of the communications network", i.e., a request from a user or a terminal is using an outside signaling system or a separate network for communicating to the communications network referred to as using an "out-of-band portion" of the communications network, and as signaling or commands can either provided through an in-band data delivery or an out-of-band data delivery (col. 4/lines 45-67 as separate networks can be used for broadcasting including standard broadcast, cable cast or satellite transmission referred to "out-of band" portion of the communication network).

(Claims 5 and 6 were canceled).

Regarding claim 10, Ellis discloses "a method for managing delivery of a plurality of video sequences that comprise interactive program guide (IPG) pages, the method comprising: predetermining a set of video sequences to be broadcast; allocating a broadcast bandwidth within a network with a finite bandwidth for the set of video sequences; broadcasting the set of video sequences via the broadcast bandwidth to a plurality of terminals; receiving a request from a specific terminal for a specific video sequence which is not within the set of video sequences to be broadcast; allocating a demandcast bandwidth within the network for the specific video sequence; transmitting the specific video sequence via the demandcast bandwidth to the specific terminal to fulfill the request", i.e., see claim 1 above and further with a limitation of "predetermining a second set of video sequences to be broadcast, wherein the second set of video sequences comprising IPG pages for prime viewing time periods" is disclosed by Ellis (Figs. 13A-13C for showing video stream on the display and the current time as well as the prime time, col. 4/lines 45-67 as data streams regarding as video sequences is receiving at the set top

terminal of Fig. 1, and as in Fig. 14 and col. 16/line 33 to col. 17/line 32 for video channels at the

current time and the prime time can be displayed and searched at the user terminals);

Ellis shows to broadcast a number of broadcasts to the users as noted above; however,

Ellis does not show clearly the step of "pre-allocating a broadcast bandwidth in the

communication network" before transmitting by a broadcast technique to the user; however, this

technique is taught by Logston as Logston clearly shows the system are allocating bandwidth in

advance before providing the services to set top box users (refer to Logston, Fig. 2 for an

overview system, Fig. 3 for bandwidth allocations, and Figs. 4 & 11 for showing the pre-

allocation of bandwidth to each set top box users, see further on col. 9/line 20 to col. 10/line 3

and col. 12/lines 23-45). Therefore, it would have been obvious to one of ordinary skill in the art

to modify Ellis' system with Logston's teaching technique of pre-allocating bandwidth in the

communication system before broadcasting the services to the users depending on their demands

and requests for services.

As for claims 11-13, in view of claim 10, these claims with same limitations are rejected

for the reasons given in the scope of claims 2-4 as discussed in details above.

4.   Claims 7-9 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ellis and Logston as cited in claim 1 above and in further view of Gordon et al. (US Patent Pub

2003/0052905).

Regarding claim 7, in view of claims 1 above, Ellis does not further teach or suggest the

claimed limitation; however, Gordon discloses "wherein transmitting the specific video sequence

is performed using a narrowcast technique to a group of terminals which includes the specific

terminal", i.e., a narrowcast technique with an individual interactive information stream is

allocated for that specific terminal is provided (Fig. 20, and page 13/section 0127 & 0128).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Ellis's system with a known technique as disclosed in Gordon's in order to

provide users/viewers the option to select or choose to view their preferred programs on their

interactive program guide as suggested by Gordon using the narrowcast technique. The

motivation for doing this is to offer a flexible and convenience interactive program guide that

offer video sequences, programs or events displaying according to the convenient time period of

the user/viewer on demand based on their personal preferences.

As for claims 8 and 9, in further view of claim 7 above, Gordon further discloses

"wherein transmitting the specific video sequence is performed using a PointCast technique" and

"wherein the PointCast technique comprises a shared PointCast technique", i.e., a PointCast

service and shared pointcast are used for providing information service based on the user request

(page 13, section 0127 & 0128). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Ellis's system with a known technique as

disclosed in Gordon's in order to provide users/viewers the option to select or choose to view

their preferred programs on their interactive program guide as suggested by Gordon using the

pointcast and shared pointcast technique. The motivation for doing this is to offer a flexible and

convenience interactive program guide that offer especially video sequences, programs or events

displaying according to the convenient time period of the user/viewer on demand per a specific

group of users.

As for claim 15, in view of claims 7 and 10, Gordon further discloses "wherein transmitting the specific video sequence to the specific terminal comprises Pointcasting the specific video sequence to the specific terminal", i.e., a Pointcast service is used for providing information service to an individual (page 13, sections 0127 & 0128).

As for claims 16 and 17, in view of claim 15 above, Gordon further discloses "wherein transmitting the specific video sequence is performed using a narrowcast technique to a group of terminals which includes the specific terminal" and "predetermining a particular video sequence to be narrowcast to a group of terminals; allocating a narrowcast bandwidth within the network for the particular video sequence; and narrowcasting the particular video sequence via the narrowcast bandwidth to the groups of terminals", i.e., a narrowcast technique with an individual interactive information stream is allocated for that specific terminal is clearly provided (Fig. 20, and page 13/sections 0127 & 0128).

As for claim 18, in view of claim 10, Gordon further discloses "comprising: receiving a second request from a second specific terminal for the specific video sequence; and transmitting the specific video sequence via the demandcast bandwidth to the second terminal, wherein the demandcast bandwidth comprises a single stream which is used to transmit the specific video sequence to both terminals", i.e., Fig. 1 as for illustration of more than two terminals 136 belongs to subscriber equipments 106-1 to … 106-n requesting broadcast services; as if a specific request is sending from a second user of same network, first and second terminals receive one single stream of specific broadcast service to them, for instance, a shared pointcast mode is applied as at least two or more users can receive a (single) particular information stream (page 13, section 0127).

As for claims 19 and 20, in view of claim 18, Gordon inherently discloses "comprising:
one terminal from a group including both terminals finishing use of the specific video sequence;
and continuing transmission of the specific video sequence via the demandcast bandwidth" and
"comprising: another terminal from the group finishing use of the specific video sequence; and
discontinuing transmission of the specific video sequence; and making the demandcast
bandwidth available for re-allocation" because the broadcast technique is used herein based on
the user's preference or their choice either broadcasting, pointcasting, shared pointcasting or
narrowcasting; therefore, the user of one of both terminals can do whatever he desires, e.g.,
ordering a video sequence or a movie, and he stills continue to use the demandcast service if he
prefers to order another one or discontinue the demandcast service, and making the demandcast
bandwidth available for re-allocation for the server system by having the user's remote controller
as for activating a command or not in ordering the demandcast service (page 13, sections 0126 &
0127 & 0128).

Conclusion

5.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The

examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate

Fridays off.

Information regarding the status of an application may be obtained from the Patent

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
Jan. 25, 2006